

United States District Court, Eastern District of New York

UNITED STATES OF AMERICA

V.

**ORDER SETTING CONDITIONS OF RELEASE
AND APPEARANCE BOND**Masphal Kry

Defendant.

Case Number:

22-1230M

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released subject to the Standard Conditions of Release on the reverse and as follows:

☐ Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

☒ Upon **Bond** executed by the defendant in the amount of \$ 75,000, and secured by ☐ financially responsible sureties listed below and/or ☐ collateral set forth below.

Additional Conditions of Release

The Court finding that release under the Standard Conditions of Release on the reverse will not by themselves reasonably assure the appearance of the defendant and/or the safety of other persons and the community, IT IS FURTHER ORDERED as follows:

- ☒ 1. The defendant must remain in and may not leave the following areas without Court permission: ☒ New York City; ☐ Long Island, NY; ☐ New York State; ☐ New Jersey; ☒ SDPL, Washington DC and travel to and from this Court and the permitted areas.
- ☒ 2. The defendant must avoid all contact with the following persons or entities: rodents except in the presence of counsel
- ☐ 3. The defendant must avoid and not go to any of the following locations: Fish + Wild Life
- ☒ 4. The defendant must surrender all passports to Pretrial Services by 12/15 and not obtain other passports or international travel documents.
- ☒ 5. The defendant is placed under the supervision of the Pretrial Services Agency subject to the Special Conditions on the reverse and:
 - ☒ a. is subject to random visits by a Pretrial Services officer at defendant's residence and/or place of work; including Embassy
 - ☒ b. must report ☒ as directed by Pretrial Services or ☐ in person times per and/or ☐ by telephone times per Wash DC
 - ☐ c. must undergo ☐ testing, ☐ evaluation and/or ☐ treatment for substance abuse, including alcoholism, as directed by Pretrial Services.
 - ☒ d. must undergo evaluation and treatment for mental health problems, as directed by Pretrial Services.
 - ☒ e. is subject to the following location restriction program with location monitoring, as directed by Pretrial Services:
 - ☒ home incarceration: restricted to home at all times, except for attorney visits, court appearances and necessary medical treatment;
 - ☐ home detention: restricted to home at all times, except for attorney visits, court appearances, medical treatment, ☐ religious services, ☐ employment, ☐ school or training, ☐ other activities approved by Pretrial Services, ☐ as directed by Pretrial Services.
 - ☐ curfew: restricted to home every day from to or ☐ as directed by Pretrial Services.
 - ☐ Defendant must pay all or part of the cost of any required testing, evaluation, treatment and/or location monitoring with personal funds, based upon ability to pay as determined by the Court and the Pretrial Services Agency, and/ or from available insurance.

- ☒ 6. Other Conditions: maintain a residence approved by PTS - comply with provisions of ext attal
no involvement in wildlife trade
hereby

APPEARANCE BOND

I, the undersigned defendant, and each surety who signs this bond, acknowledge that I have read this Appearance Bond and, and have either read all the other conditions of release or have had those conditions explained. I further acknowledge that I and my personal representatives, jointly and severally, are bound to pay the United States of America the sum of \$ 75,000 and that this obligation is secured with the below interest in the following property ("Collateral") which I represent is/are free and clear of liens except as otherwise indicated:

- ☐ cash deposited in the Registry of the Court in the sum of \$ must attend all SDPLA conferences
- ☐ premises located at: owned by
- ☐ I also agree to execute a confession of judgment, mortgage or lien in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____.

Each owner of the above Collateral agrees not to sell the property, allow further claims or encumbrances to be made against it, or do anything to reduce its value while this Appearance Bond is in effect.

Forfeiture of the Bond. This Appearance Bond may be forfeited if the defendant fails to comply with any of the conditions set forth above and on the reverse. The defendant and any surety who has signed this form also agree that the court may immediately order the amount of the bond surrendered to the United States, including any security for the bond, if the defendant fails to comply with the above agreement. The court may also order a judgment of forfeiture against the defendant and against each surety for the entire amount of the bond, including any interest and costs.

Ann Lynne Van Address: 2708 East Carson St UPMS
Ann Lynne Van, Surety Carson, CA 90810 12/5/22

_____, Address: _____
_____, Surety

_____, Address: _____
_____, Surety

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release and of the penalties and sanctions set forth on the front and reverse sides of this form.

Release of the Defendant is hereby ordered on

12/5

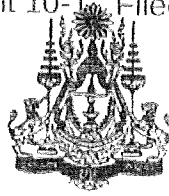
20

22

Signature of Defendant

Ann Lynne Van, US

Distribution: Canby - Court Pink - Pretrial Services Gold - Sheriff - Defendant



KINGDOM OF CAMBODIA
NATION - RELIGION - KING

ROYAL EMBASSY OF CAMBODIA
TO THE UNITED STATES OF AMERICA
WASHINGTON, D.C.

November 28, 2022

Hon. Marcia M. Henry
United States District Court
Eastern District of New York
225 Cadman Plaza E,
Brooklyn, NY 11201

Re: United States v. Masphal Kry, 22-20340:CR (SDFL)

Dear Judge Henry:

I am writing to you in my capacity as Ambassador of the Royal Kingdom of Cambodia to the United States of America and with the full authority of my Government to provide the assurances and make the commitments conveyed to the Court in this letter.

This letter is written in support of the application for bail that has been submitted to the Court on behalf of Masphal Kry. Mr. Kry is a citizen and national of the Kingdom of Cambodia and a defendant in the captioned case. As the Court is likely aware, Mr. Kry is also Director of the Department of Wildlife and Biodiversity of Cambodia and was traveling to a meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora in Panama at the time of his arrest in New York on November 16, 2022.

Our Government has received the advice and assistance of our U.S. legal counsel in preparing this letter and we fully understand the significance and gravity of the promises made to the Court on behalf of the Kingdom of Cambodia (the "Government of Cambodia").

In support of Mr. Kry's application for bail pending trial or other disposition of his case, the Government of Cambodia makes the following commitments to the Court:

- (1) While released on bail, Mr. Kry will be housed and shall remain at all times within the buildings and grounds of the Embassy of Cambodia, located at 4530 16th St NW in Washington, DC 20011 (the "Embassy"). He will not be permitted to leave the Embassy without the specific authorization of the Court or the U.S. Pretrial Services Agency ("PTS") as the Court may direct.
- (2) The Embassy will fully facilitate and cooperate, without limitation, in the installation and maintenance of an electronic monitoring device that will permit PTS, the U.S. Marshal's Service or any other agency of the U.S. government to confirm the location, movements and status of Mr. Kry at and within the Embassy.

Hon. Marcia M. Henry

November 28, 2022

Page 2

- (3) The Embassy will permit agents of PTS, the U.S. Marshal's Service, or any other federal law enforcement agency to enter upon the premises of the Embassy for the purpose of assuring the presence and condition of Mr. Kry or to carry out any other order of the Court. For this purpose, the Embassy irrevocably waives diplomatic and all other immunities that would otherwise prevent entry of agents of the United States government upon the premises of the Embassy for such purpose.
- (4) The Government of Cambodia, by and through the Embassy, will assure the timely appearance of Mr. Kry at all hearings, trials or other legal proceedings at which his presence is required and will further facilitate and assure his immediate return to the Embassy as ordered by the Court.
- (5) In the event Mr. Kry is ordered by the Court to be returned to custody for any reason, the Embassy will assure his immediate surrender to the designated agents of the Court or of the United States and will not assert diplomatic of any other immunity in opposition to such surrender.
- (6) The promises, assurances and commitments conveyed in this letter are irrevocable and are made to the Court without reservation or limitation.

I have directed Mr. Usaphea Horn, Second Secretary in Charge of Consular Affairs to attend the hearing at which Mr. Kry's application for bail is considered and to respond fully to any questions or concerns raised by the Court with regard to the content of this letter. This is an important legal matter for the Government of Cambodia and we are grateful for the Court's consideration.

Respectfully submitted,



Chhlea Keo
Ambassador to the United States of America
Royal Kingdom of Cambodia